UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,446	11/02/2000	Amar S. Gandhi	3382-56401	6409

			EXAMINER
26119	7590	05/24/2005	VAUGHN JR, WILLIAM C

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Application No.	Applicant(s)
09/706,446	GANDHI ET AL.
Examiner	Art Unit
William C. Vaughn, Jr.	2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 10-23* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This Action is in regards to the Amendment and Response dated 20 October 2004.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-8 and 10-23 have been considered but are

moot in view of the new ground(s) of rejection. Applicant's arguments are deemed moot in view

of the following new grounds of rejection as explained here below, necessitated by Applicant's

substantial amendment (i.e., *from the first computer... connecting the first and the second*

computer) to the claims which significantly affected the scope thereof.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   **Claims 1-8 and 10-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Krishnamurthy et al., (Krishnamurthy), U.S. Patent No. 6,389,464 in view of Humpleman et al.

(Humpleman), U.S. Patent No. 6,546,419.

5.   Regarding **claim 1**, Krishnamurthy discloses the invention substantially as claimed.

Krishnamurthy discloses *a method of programmatically controlling a service of a logical device*

realized on a first computer on a data communications network via peer-to-peer networking

connectivity from a second computer on the data communications network, the method

comprising: obtaining at the second computer a service description message of the service from

the first computer, the service description message detailing a set of actions that can be invoked

on the service via network data messages conveyed to the first computer via peer-to-peer

networking connectivity over the data communications network connecting the first and the

second computer (Krishnamurthy teaches a web server allows communication between a remote

computer and the site server using HTTP and HTML. That the HTTP transactions requests a

specific page and optional query information), [see Krishnamurthy, Col. 7, lines 54-65].

However, Krishnamurthy does not explicitly disclose from the first computer and exposing a

programming interface to access by software programs running on the second computer, the

programming interface having an action-invoking member; based on the service description

message, converting a programmatic invocation of the action-invoking member of the

programming interface by a software program running on the second computer into a network

data message for invoking an action of the service via peer-to-peer networking connectivity over

the data communications network and transmitting the network data message to the first

computer to thereby invoke the action of the service.

6.   In the same field of endeavor, Humpleman discloses (e.g., method and apparatus for user

and device command and control in a network). Humpleman discloses *from the first computer*

and exposing a programming interface to access by software programs running on the second

computer, the programming interface having an action-invoking member; based on the service

description message, converting a programmatic invocation of the action-invoking member of

the programming interface by a software program running on the second computer into a

network data message for invoking an action of the service via peer-to-peer networking

connectivity over the data communications network and transmitting the network data message

to the first computer to thereby invoke the action of the service [see Humpleman, Figures 17 thru

24, Col. 14, lines 20-38, Col. 15, lines 39-49, Col. 21, lines 47-67 and Col. 22, lines 1-35].

7.   Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporated Humpleman's teachings of method and

apparatus for user and device command and control in a network with the teachings of

Krishnamurthy, for the purpose of providing a system and method with the capability for

dynamic control and command devices in a home network, whereas it gives the ability to allow

various software applications to automatically command and control other various software

application, wherein said software applications can be located indifferent network devices [see

Humpleman, Col. 2, lines 39-49]. By this rationale **claim 1** is rejected.

8.   Regarding **claim 2**, Krishnamurthy-Humpleman discloses *wherein the network data*

message for invoking the action is a mark-up language text message [see Krishnamurthy, Col. 7,

lines 54-65 and Col. 8, lines 5-61]. By this rationale **claim 2** is rejected.

9.   Regarding **claim 3**, Krishnamurthy-Humpleman discloses *wherein the programming*

interface is an object integration according to an object-oriented programming model [see

Krishnamurthy, Col. 8, lines 43-44]. By this rationale **claim 3** is rejected.

10.   Regarding **claim 4**, Krishnamurthy-Humpleman discloses *wherein the programming*

interface is a run-time dispatching interface [see Krishnamurthy, Col. 8, lines 43-47]. By this

rationale **claim 4** is rejected.

11.   Regarding **claim 5**, Krishnamurthy-Humpleman discloses *wherein the action-invoking*

member accepts an invocation parameter indicating the action of the service that is to be

invoked [see Krishnamurthy, Col. 8, lines 40-67]. By this rationale **claim 5** is rejected.

12.   Regarding **claim 6**, Krishnamurthy-Humpleman discloses *wherein the programming*

interface further has a service state-querying member, the method further comprising:

responsive to programmatic invocation of the service state-querying member by the software

programs running on the second computer, obtaining state data of the service via peer-to-peer

networking connectivity over the data communication [see Humpleman, Col. 5, lines 55-67 and

Col. 6, lines 1-60]. The same rationale that was utilized in the combination of claim 1, applies

equally as well to claim 6. By this rationale **claim 6** is rejected.

13.   Regarding **claim 7**, Krishnamurthy-Humpleman discloses *wherein the programming*

interface has a service state-querying member that accepts an invocation parameter indicative of

a state data variable of the service, the method further comprising: responsive to programmatic

invocation of the service state-querying member by the software programs running on the second

computer, obtaining a value of the state data variable of the service via peer-to-peer networking

connectivity over the data communication network [see Humpleman, Col. 5, lines 55-67 and Col.

6, lines 1-60]. The same rationale that was utilized in the combination of claim 1, applies

equally as well to claim 7. By this rationale **claim 7** is rejected.

14.   Claims 8 and 10-12 list all the same elements of claims 1-7, but in device form rather

than method form. Therefore, the supporting rationale of the rejection to claims 1-7 applies

equally as well to claims 8 and 10-12.

15.   Claims 13-16 list all the same elements of claims 1-7, but in computer readable medium

form rather than method form. Therefore, the supporting rationale of the rejection to claims 1-7

applies equally as well to claims 13-16. The Examiner interprets the limitation of a computer-

readable data-carrying medium to mean software program code stored on a memory.

16.   Claims 17-23 list all the same elements of claims 1-7, but in software module form rather

than method form. Therefore, the supporting rationale of the rejection to claims 1-7 applies

equally as well to claims 17-23.

Claim Rejections - 35 USC § 102

17.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18.   **Claims 1-8 and 10-23** are rejected under 35 U.S.C. 102(e) as being anticipated by

Humpleman et al. (Humpleman), U.S. Patent No. 6,546,419.

19.   Regarding **claim 1**, Humpleman discloses *a method of programmatically controlling a*

service of a logical device realized on a first computer on a data communications network via

peer-to-peer networking connectivity from a second computer on the data communications

network, the method comprising: from the first computer obtaining at the second computer a

service description message of the service from the first computer, the service description

message detailing a set of actions that can be invoked on the service via network data messages

conveyed to the first computer via peer-to-peer networking connectivity over the data

communications network connecting the first and the second computer [see Humpleman, Col.

13, lines 9-56 and Col. 15, lines 8-27]; *exposing a programming interface to access by software*

programs running on the second computer, the programming interface having an action-

invoking member; based on the service description message, converting a programmatic

invocation of the action-invoking member of the programming interface by a software program

running on the second computer into a network data message for invoking an action of the

service via peer-to-peer networking connectivity over the data communications network and

transmitting the network data message to the first computer to thereby invoke the action of the

service [see Humpleman, Figures 17 thru 24, Col. 14, lines 20-38, Col. 15, lines 39-49, Col. 21,

lines 47-67 and Col. 22, lines 1-35]. By this rationale **claim 1** is rejected.

Conclusion

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

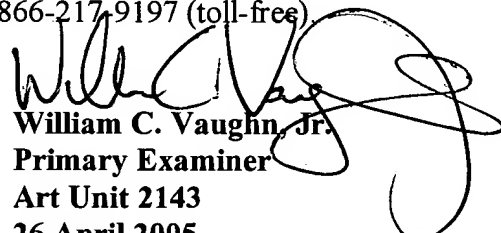CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (571) 272-3922. The examiner can normally be reached on 8:00-6:00, 1st and 2nd Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William C. Vaughn, Jr.
Primary Examiner
Art Unit 2143
26 April 2005

WCV